

**UTILITY PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. §1.53(b)**

U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop Patent Application  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

03915 U.S. PTO  
**10/647222**  
08/26/03

Case Docket No.: SPRX-0068

Sir:

Transmitted herewith for filing is the patent application of

INVENTOR OR APPLICATION IDENTIFIER: Mark L. FAUPEL; Shabbir BAMBOT; Anant AGRAWAL; Keith IGNOTZ; and Andrew FORDHAM

FOR: SYSTEM AND METHOD FOR DETERMINING TISSUE CHARACTERISTICS

Enclosed are:

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> <u>61</u> pages of specification, claims, abstract                                 | 7. <input type="checkbox"/> Assignment Papers for _____<br>(cover sheet, assignment & assignment fee).   |
| 2. <input checked="" type="checkbox"/> <u>24</u> sheets of FORMAL drawing.  | 8. <input type="checkbox"/> Certified copy of _____.   |
| 3. <input type="checkbox"/> _____ pages of newly executed Declaration & Power of Attorney (copy or original).             |  |
| 4. <input type="checkbox"/> Priority Claimed to Appln. No. , whose entire disclosure is incorporated herein by reference. | 9. <input checked="" type="checkbox"/> Two (2) return postcards.<br><input checked="" type="checkbox"/> Stamp & Return with Courier.<br><input checked="" type="checkbox"/> Prepaid Postcard-Stamped Filing Date & Returned with Unofficial Serial Number. |
| 5. <input type="checkbox"/> Applicant claims Small Entity Status.   |  |
| 6. <input type="checkbox"/> Information Disclosure Statement, Form PTO-1449 and reference.                                |  |
| 10. <input checked="" type="checkbox"/> Authorization under 37 C.F.R. §1.136(a)(3).                                       | 12. <input type="checkbox"/> Other:  |
| 11. <input type="checkbox"/> Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i)                                    |  |

CLAIMS AS FILED					
For	No. Filed		No. Extra	Rate	Fee
Total Claims	63	- 20	43	X \$18.00	\$774.00
Indep. Claims	5	- 3	2	X \$84.00	\$168.00
Multiple Dependent Claims (If applicable)				X \$280.00	\$0.00
BASIC FEE					\$750.00
TOTAL FILING FEE					\$1,692.00

[X] This is a continuation-in-part (CIP) of prior International Patent Application No. PCT/US02/06350 filed March 1, 2002, which claims priority to U.S. Provisional Application No. 60/272,458 filed March 2, 2001. This is also a continuation-in-part of U.S. Patent Application No. 10/611,917 filed July 3, 2003, which is a continuation of U.S. Patent Application No. 09/700,538 filed November 16, 2002, now U.S. Patent No. 6,590,651, which claims priority to International Patent Application No. PCT/US99/10947 filed May 19, 1999. This is also a continuation-in-part of U.S. Patent Application No. 10/603,597 filed June 26, 2003, which is a continuation of U.S. Patent Application No. 09/786,781 filed March 9, 2001, now abandoned, which claims priority to International Patent Application No. PCT/US99/20646 filed September 10, 1999. This is also a continuation-in-part of U.S. Patent Application No. 10/337,687 filed January 8, 2003, which is a continuation of U.S. Patent Application No. 09/434,518 filed November 5, 1999, now abandoned. This is also a continuation-in-part of U.S. Patent Application No. 10/446,857 filed May 29, 2003, which is a divisional of U.S. Patent Application No. 09/533,817 filed May 24, 2000, now U.S. Patent No. 6,577,391, which claims priority to U.S. Provisional Application No. 60/126,056 filed May 24, 1999. The entire disclosure of each of these applications/patents is hereby incorporated by reference.

[X] Amend the specification by inserting before the first line the sentence:

--This is a continuation-in-part (CIP) of prior International Patent Application No. PCT/US02/06350 filed March 1, 2002, which claims priority to U.S. Provisional Application No. 60/272,458 filed March 2, 2001. This is also a continuation-in-part of U.S. Patent Application No. 10/611,917 filed July 3, 2003, which is a continuation of U.S. Patent Application No. 09/700,538 filed November 16, 2002, now U.S. Patent No. 6,590,651, which claims priority to International Patent Application No. PCT/US99/10947 filed May 19, 1999. This is also a continuation-in-part of U.S. Patent Application No. 10/603,597 filed June 26, 2003, which is a continuation of U.S. Patent Application No. 09/786,781 filed March 9, 2001, now abandoned, which claims priority to International Patent Application No. PCT/US99/20646 filed September 10, 1999. This is also a continuation-in-part of U.S. Patent Application No. 10/337,687 filed January 8, 2003, which is a continuation of U.S. Patent Application No. 09/434,518 filed November 5, 1999, now abandoned. This is also a continuation-in-part of U.S. Patent Application No. 10/446,857 filed May 29, 2003, which is a divisional of U.S. Patent Application No. 09/533,817 filed May 24, 2000, now U.S. Patent No. 6,577,391, which claims priority to U.S. Provisional Application No. 60/126,056 filed May 24, 1999. The entire disclosure of each of these applications/patents is hereby incorporated by reference.--

[X] A check in the amount of \$1,692.00 (Check #10093) is attached.


☐ Please charge my Deposit Account No. 16-0607 in the amount of \$\_\_\_\_. A duplicate copy of this sheet is enclosed.

[X] The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-0607. A duplicate copy is enclosed.

[X] Any additional filing fees required under 37 C.F.R. 1.16.

- [X] The Commissioner is hereby authorized to charge payment of following fees during the pendency of this application or credit any overpayment to Deposit Account No. 16-0607. A duplicate copy of this sheet is enclosed.
- [X] Any patent application processing fees under 37 C.F.R. 1.17.
- [X] Any filing fees under 37 C.F.R. 1.16 for presentation of extra claims.

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Date: August 26, 2003

**Please direct all correspondence to Customer Number 34610**

Docket No.: SPRX-0068

PATENT



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of :  
Mark L. FAUPEL; Shabbir BAMBOT; Anant AGRAWAL :  
Keith IGNOTZ; and Andrew FORDHAM :  
Serial No. New U.S. Patent Application :  
Filed: August 26, 2003 :  
Customer No.: 34610 :  
For: SYSTEM AND METHOD FOR DETERMINING TISSUE :  
CHARACTERISTICS :

**AUTHORIZATION TO TREAT A REPLY AS INCORPORATING**  
**AN EXTENSION OF TIME UNDER 37 C.F.R. §1.136(a)(3)**

U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

Sir:

The U.S. Patent and Trademark Office is hereby authorized to treat any concurrent or future reply that requires a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time under 37 C.F.R. §1.136(a)(3). The U.S. Patent and Trademark Office is hereby authorized to charge all required extension of time fees to our Deposit Account No. 16-0607, if such fees are not otherwise provided for in such reply. A duplicate copy of this sheet is enclosed.

Respectfully submitted,  
FLESHNER & KIM, LLP

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